

Application No.: 10/626168

Docket No.: SIW-034CPRCE

AMENDMENTS TO THE CLAIMS

Please amend claim 11 and cancel claims 1-6 as follows.

1-10. (Canceled)

11. (Currently Amended) A fuel cell comprising:

an electrode assembly sandwiched between a pair of a first separator having an inner surface and a second separators having an inner surface, the electrode assembly being composed of an electrolyte membrane sandwiched between an anode electrode and a cathode electrode; and,

an outer seal member sandwiched between a pair of the first and second separators at a position surrounding an outer periphery of the electrode assembly, wherein the outer seal member contacts the inner surface of both of the first and second separators;

an inner seal member sandwiched between one of the first separators and an outer periphery of the electrolyte membrane, wherein the electrolyte membrane has a first outer surface that faces the inner surface of the first separator and an opposed second outer surface that faces the inner surface of the second separator, wherein the inner seal member contacts the inner surface of the first separator and the first outer surface of the electrolyte membrane; and

a backing member sandwiched between the second separator and the electrolyte membrane, wherein the backing member contacts the inner surface of the second separator and the second outer surface of the electrolyte membrane in opposition to the inner seal member and interposing the electrolyte membrane;

wherein, there is a step formed on the second separator at a position located between where the outer seal member and the backing member contact the inner surface of the second separator between a contact surface with the backing member and a contact surface with the outer seal member on the other separator.

12. (Previously Presented) A fuel cell according to claim 11, wherein there is a step in the same direction as the step of the other separator on the contact surfaces with both seal members on one of separators.

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13. (Previously Presented) A fuel cell according to claim 11, further comprising:

a backing member for supporting said electrolyte member placed opposing said inner seal member interposing said electrolyte membrane.

14. (Previously Presented) A fuel cell according to claim 11, wherein the backing member is an anode electrode or a cathode electrode.

15. (Previously Presented) A fuel cell according to claim 11, wherein the inner seal member and the outer seal member constitute an integral member.

16. (Previously Presented) A fuel cell according to claim 11, wherein the outer seal member and the inner seal member are separate members.

17. (Original) A fuel cell according to claim 16, wherein the outer seal member and the inner seal member are provided on different separators.

18. (Original) A fuel cell stack, which is formed by stacking a plurality of the fuel cells according to claim 11.

19-24. (Canceled)

**Please add claims 25-27 as follows.**

25. (New) A fuel cell according to claim 11, wherein the inner seal member contacts the electrolyte membrane at a first contact portion and the backing member contacts the electrolyte membrane at a second contact portion, wherein the backing member and the inner seal member are disposed in registration in a stacking direction of the fuel cell such that the first and second contact portions are aligned along an axis that extends in the stacking direction.

26. (New) A fuel cell according to claim 11, wherein the outer seal member is a single unitary member that spans between the first and second separators.

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27. (New) A fuel cell according to claim 11, wherein the first and second separators are separated from each other a first distance at a location where the outer seal member contacts the inner surface of both of the first and second separators, and the first and second separators are separated from each other a second distance at a location where the backing member contacts the inner surface of the second separator, wherein the second distance is greater than the first distance.